United Nations S/2006/471

Security Council

Distr.: General
30 June 2006

Original: English

Letter dated 30 June 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report from the Libyan Arab Jamahiriya submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as the Libyan Arab Jamahiriya's response to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-42055 (E) 290906 031006

Annex

Letter dated 21 June 2006 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

It is my honour to refer to your communication dated 24 February 2006 and to submit herewith the report of the Socialist People's Libyan Arab Jamahiriya containing answers to some issues that were contained in the reports the Jamahiriya has submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Ahmed A. **Own**
Chargé d'affaires a.i.

Enclosure

[Original: Arabic]

Report of the Socialist People's Libyan Arab Jamahiriya containing a reply to the letter of the Chairman of the Counter-Terrorism Committee dated 24 February 2006 relating to some of the points in the Jamahiriya's report submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001)

Implementation measures

1.1 The Committee takes note of article 206 of the Penal Code and of the measures envisaged in the new draft penal code, such as article 260, paragraph 10 on criminalization of the financing of terrorism. Has the draft penal code been adopted? If so, the Committee would appreciate a copy of the relevant articles thereof.

Response

It has not yet been possible to adopt the draft Penal Code because of the large number of articles it contains and their sensitivity and importance. However, we hope that it can be submitted for adoption at the first session of the Basic People's Congresses inasmuch as the process of drafting and reviewing the Code has been completed, and symposiums have been held to explain it and create general awareness of the aim behind it.

1.2 The Committee takes note of articles 206 and 322 of the Penal Code on the criminalization of any form of assistance to a criminal gang. Have any prosecutions in terrorism cases been initiated on the basis on those two articles? If so, the Committee would appreciate information on and examples of such cases and their outcome.

Response

Whether there are trials depends on whether there have been terrorist offences. However, it can be said that all politically or religiously motivated offences are dealt with in accordance with the Code of Criminal Procedure, and have been tried in the ordinary courts since the abolition of the People's Court. There are cases of this type where a verdict has been rendered and there are others which are pending, but since the concept of terrorism has not been defined, it is difficult to say whether they were terrorist offences. Nevertheless, they are of the type described in the draft Penal Code as terrorist offences and, indeed, some of them fall under Book Two, chapter I of the Penal Code currently in force, which relates to offences against the internal and external security of the State.

1.3 The Committee notes the adoption of the new money-laundering law in January 2005. Could the Libyan Arab Jamahiriya please provide an outline of the procedures to be followed and describe the criteria to be used in deciding whether a transaction is to be deemed suspicious.

Response

I. Procedures to be followed

A. Bank accounts and required documents

1. When an account is opened, a bank must ensure that all necessary information and documents have been obtained, including the account holder's full name, current address and place of employment. The account holder's original passport and identification card must also be examined and a copy of each retained. The copies must be signed by the employee responsible for opening the account to indicate that they are "certified true copies".

2. The bank must obtain all information and documents from legal persons, especially a copy of the commercial licence. The licence's renewal date must be recorded and a copy of the current licence must be kept in the bank's files at all times. The bank must also obtain the owner's name and address and the names and addresses of the partners. The names and addresses of shareholders in joint-stock companies whose investment exceeds 50,000 Libyan dinars must be recorded.

3. In order to open an account in any bank, a cooperative, charitable, social or professional organization must present an original certificate of incorporation, issued and signed by the competent authority, which confirms the organization's identity and authorizes it to open bank accounts.

4. Banks must update their records on a regular basis and in a manner that reflects all changes to the information presented by the account holder as such changes occur, or ask account holders to provide updated information at least every six months.

5. The measures outlined in paragraphs 1, 2 and 3 also apply to other financial institutions that receive funds from their clients to be managed in investment accounts.

B. Opening accounts under assumed names

Opening accounts under assumed names or opening numbered accounts is strictly prohibited. Accounts must be opened in the holder's name as it appears in the passport (abbreviation is accepted) or in the commercial licence in the case of legal persons.

C. Measures to be taken in dealing with persons who do not have bank accounts

1. Banks and exchange bureaux must carefully and systematically verify the identity of persons who do not have bank accounts and who wish to pay in cash for money orders. This applies to all transactions that exceed 1,000 Libyan dinars, or their equivalent in other currencies, at exchange bureaux and all transactions that exceed 5,000 Libyan dinars, or their equivalent in other currencies, at banks.

In this context, the verification covers detailed information on the transaction, including the client's name and complete address, the beneficiary's address, examination of the original of the client's identity document and the source of the funds to be transferred. All this information must be entered into the two forms attached to the transaction which must be signed by the client and by the employee of the bank or financial institution who is responsible for approving the transaction.

2. On receipt of a transfer in excess of 5,000 Libyan dinars or the equivalent in another currency for payment in cash or traveller's cheques to a client who does not have accounts at the bank, or in the case of transfers received from an exchange bureau, the form prepared for such transactions must be filled in and kept in a special folder.

3. Particular care and attention must be exercised when a person whose name does not appear on the power of attorney for an existing account deposits cash or traveller's cheques into the account or if such person is not one of the account holder's employees or usual correspondents.

4. If it appears that a financial transaction is being made on behalf of a third party, particular attention must be paid and detailed information concerning such third party must be recorded.

5. Verification of client identity in the event of doubt: when money-laundering is suspected, the client's identity must be verified in the manner outlined above, irrespective of the amount of the transaction.

D. Procedures for rental of safe deposit boxes

Special caution must also be exercised concerning the rental of safe deposit boxes. Detailed information must be recorded on clients who rent 70 cm by 70 cm by 70 cm safe deposit boxes. When more than one safe deposit box is rented, the total volume of the boxes rented shall be deemed to be the volume of a single box. In the case of non-resident clients, the Central Bank of Libya shall be provided with copies of the forms containing detailed information on all such clients.

E. Procedures to be followed for letters of credit and documentary credits

When letters of credit, or other means of commercial financing are used to transfer funds between countries in a manner inconsistent with the client's usual commercial activity, banks must scrupulously carry out the following actions:

1. Exercise caution when the beneficiaries of letters of credit or the owners of transportation companies are, in fact, the clients who open the letter of credit.

2. Ensure that the amounts shown on the letter of credit or documentary credit documents presented by the client to the bank and to the customs, port or airport agency are identical to the originals.

3. Examine documents selectively and systematically in cooperation with shipping companies and the customs, port or airport agency.

4. Ensure that the size of the facilities granted is appropriate to the collateral held, the nature or level of activity and the client's solvency.

II. The criteria used to decide whether a transaction is suspicious

A. Banking transactions in cash

Money-laundering via cash transactions may be suspected in the following circumstances:

1. Large and unusual cash deposits made by persons or companies whose ostensible commercial activities are usually transacted by cheques or other payment orders.

2. A large increase in cash deposits on the part of any client or commercial establishment for no apparent reason, especially if these deposits are transferred within a short period of time from the account to a party not usually associated with the client.

3. Clients who make repeated cash deposits where the amount of each deposit is below the limit for money-laundering, but the total amount of the deposits equals or exceeds the limit for money-laundering.

4. Corporate accounts whose banking transactions, whether deposits or withdrawals, are made, for no apparent reason, in cash instead of negotiable instruments (such as cheques, letters of credit, documentary credits, money orders, etc.).

5. Clients who, for no apparent reason, constantly make payment in cash or deposit cash funds instead of using money orders, funds transfers or other negotiable instruments.

6. Clients who, for no apparent reason, try to exchange large amounts of small denomination bank notes for large denomination bank notes. Should the amount exceed 5,000 Libyan dinars or its equivalent in other currencies, the form prepared for this purpose must be filled in.

7. Clients who transfer large sums of funds abroad with instructions to pay in cash or where funds are received from abroad for the benefit of non-resident clients with instructions to pay them in cash.

8. Large and unusual cash deposits using automated teller machines (ATM) or cash drop boxes in order to avoid direct contact with the employees of the bank or other financial institutions if these deposits are incompatible with the client's reasonable expectations or not consistent with his income.

B. Money-laundering via client accounts may be suspected in the following circumstances:

1. Clients who maintain several accounts or maintain accounts that are not required for the type of work they are engaged in, and particularly when there are banking transactions involving unknown persons.

2. Clients with multiple accounts into which they deposit cash and where the total balance of those accounts is large, except for businesses that hold such accounts for the purpose of maintaining relations with banks that occasionally provide them with facilities.

3. Any person or company whose accounts do not show evidence of ordinary individual banking activities or activities connected with a commercial business but are used to received or disburse large amounts for unknown purposes or purposes unrelated to the account holder or his business (for example, a large increase in the number of transactions).

4. Clients who hold accounts with several financial institutions within a single area and who transfer the balances of all those accounts into a single account and then transfer the total amount abroad.

5. Deposits of large third-party cheques endorsed in favour of the account holder when there is no apparent relationship between the party and the account holder or his type of work.

6. Large cash withdrawals from a previously inactive account or from an account that recently and unexpectedly received substantial funds from abroad.

7. Deposits made into the same account by numerous persons and without an appropriate explanation.

8. Large, unusual and unprecedented deposits into the account of a jewellery store, particularly when a large portion of those deposits is in cash.

9. All banks and other financial institutions must scrutinize, in particular, all funds transfers coming from or going to countries that have implemented the recommendations of the Financial Action Task Force (FATF) or whose financial institutions have undertaken to implement those recommendations according to the list periodically issued by the Central Bank of Libya.

C. Investment-related transactions

Money-laundering via investment-related transactions may be suspected in the following circumstances:

1. Clients who purchase securities and store them in the safe deposit boxes of a financial institution when this appears to be not in keeping with the client's ostensible status.

2. Loans guaranteed by the deposits of companies that are subsidiaries of foreign financial establishments, especially if the countries concerned are known to be drug producers or large drug markets according to the list periodically issued by the Central Bank of Libya.

3. Persons or businesses that import large amounts of funds to invest in foreign currencies or securities when the size of the investments is out of keeping with the income of the persons or businesses concerned.

4. Purchase or sale of securities for no apparent reason or in unusual circumstances.

D. International banking and financial transactions

Money-laundering via international banking and financial transactions may be suspected in the following circumstances:

1. Customers who are introduced by a foreign branch, a subsidiary company, or another bank in a country which produces or manufactures drugs.

2. The building-up of a large balance that is incompatible with the client's business activity and the subsequent transfer of the funds to an account or accounts abroad.

3. Successive requests, for no apparent reason, for traveller's cheques or money orders in foreign currency, or other negotiable instruments, in amounts that exceed the designated limit.

4. Successive deposits, for no apparent reason, of traveller's cheques or money orders in foreign currency in amounts that exceed the designated limit, especially if they have been issued abroad.

5. Clients who, for example, insist on opening letters of credit with a specific foreign correspondent and no other.

1.4 **The Committee notes that, following the adoption of resolution 1373 (2001), the Libyan Arab Jamahiriya established a financial information unit within the Central Bank, to which all banks and financial institutions send reports on suspicious transactions. However, it appears that, pursuant to article 9 of the Money-Laundering Act (2005), a new financial information unit has been established with the same functions. Has the second unit replaced the earlier one? If not, please describe the functions of each unit and explain which of them performs the traditional functions of a financial intelligence unit (FIU): collecting, analysing and disseminating information to the competent authorities.**

Response

The FIU specified in article 9 of the Money-Laundering Act (2005) is the same as the unit previously established by decision no. 40 (2002) of the Governor of the Central Bank of Libya and is mentioned in this law to strengthen the measure taken by the Central Bank of Libya to establish the FIU. The unit established pursuant to the Money-Laundering Act therefore has the same competence as that specified in the Governor's decision.

1.5 **Pursuant to paragraph 1 (a) of resolution 1373 (2001), financial institutions and other intermediaries should identify their clients and report suspicious transactions to the relevant authorities. How many suspicious transactions reports (STRs) have been received by the financial information unit within the Central Bank? How many have been analysed and disseminated? The Committee would welcome information on and examples of such cases and their outcome.**

Response

The FIU within the Central Bank of Libya has not received any STRs since the adoption of the Money-Laundering Act (2005).

1.6 The Libyan Arab Jamahiriya indicates in its fourth report that the new Penal Code, if adopted, would make it possible to seize funds used in terrorist acts (fourth report, p. 5). What specific measures does Libya plan to take in order to establish a distinction between money-laundering and the financing of terrorism in its legislation?

Response

The measures that will be taken under the Act to distinguish between money-laundering and the financing of terrorism immediately after the adoption of the new Penal Code will be clarified in the context of the implementation of the Act.

1.7 The Committee would appreciate a copy of the Monetary Control Act mentioned in the second report (p. 5).

Response

What is meant by the Monetary Control Act? The Committee must be referring to law No. 1 (2005) on banking (copy attached) as there is no national legislation entitled Monetary Control Act.*

1.8 The Committee takes note of the information provided by the Libyan Arab Jamahiriya concerning the reporting obligation and would like to receive a list of other intermediaries, institutions and professions authorized to conduct financial activities by the Central Bank of Libya. Does the list include lawyers and real estate agents, for example? If so, please provide the Committee with the relevant provisions and/or regulations.

Response

The Central Bank of Libya does not license lawyers and real estate agents to conduct financial activities. The Central Bank issues authorizations to commercial banks, specialized banks, the branches and representatives of foreign banks operating in the Jamahiriya, exchange bureaux and financial services companies.

1.9 The Committee would appreciate a list of the financial, commercial and economic institutions mentioned in article 9 ("first part") of the newly enacted Money-Laundering Act.

Response

The financial, commercial and economic institutions mentioned in article 9 ("first part") of the newly enacted Money-Laundering Act are as follows:

1. Commercial banks operating in the Libyan Arab Jamahiriya.
2. The Libyan Foreign Bank.
3. Exchange bureaux and financial services companies.

---

* *Translator's note*: A misunderstanding appears to have arisen because the name of the Monetary Control Act as it appears in the Arabic version of the Committee's questions differs slightly from the name given in the Arabic original of the second report of the Libyan Arab Jamahiriya (S/2002/1021).

4. Specialized banks operating in the Libyan Arab Jamahiriya.

5. Foreign banks operating in the Libyan Arab Jamahiriya.

6. Insurance companies operating in the Libyan Arab Jamahiriya.

1.10 **In its first report (p. 5), the Libyan Arab Jamahiriya states that banks and other entities licensed to deal in foreign currency must submit to the Central Bank of Libya periodic statements of the foreign currency that they have purchased. What other entities are licensed to transfer money in Libya? In addition, the Committee would appreciate information on the methods employed to verify that the activities of such banks and other entities are audited in order to ensure that the funds transferred are not used to fund terrorist activities.**

Response

What is meant here are exchange bureaux and financial services companies. The activities of banks and exchange bureaux are verified by means of on-site inspections.

1.11 **The Committee thanks the Libyan Arab Jamahiriya for the information provided in the area of the regulation of charitable organizations and would like to know which charitable organizations have been audited since 2002 and what the outcome of these audits was. The Committee would also be pleased to receive a description of the method employed, copies of the relevant laws and regulations and an outline of the administrative mechanisms governing charitable organizations. In their absence, please indicate to the Committee what steps the Libyan Arab Jamahiriya intends to take to modernize its measures in that area.**

Response

Charitable organizations are private associations under Libyan law and are regulated by law No. 19 (2001) on the reorganization of private associations. Article I of the law defines a private association as any non-profit group that provides social, cultural, sports, charitable or humanitarian services at the provincial or national level and within the framework of the law, morals and public order.

The law sets forth the requirements for establishing organizations. Among these requirements are that the organization must have a unique name, articles of incorporation signed by its members and a headquarters. It also stipulates that the organization must announce its incorporation, specify the competent authority responsible therefor and establish the organization's legal personality.

The law further stipulates that the organization must maintain a special register of the names of all its members; keep minutes of the meetings of its general assembly and board of directors; maintain a register of income and expenses, including all gifts and contributions, and their source; and keep all documents, correspondence and records pertaining to the organization at its headquarters.

Article 11 of the law deals with the annual balance sheet and revenue sources and defines revenue sources as subscriptions of the organization's members, its return on the investment of its funds and the unrestricted gifts and donations it receives. Article 14 calls for the approval of the balance sheet by the General People's Committee and makes the organization subject to oversight and control

with respect both to its activities and to the use of its assets. Chapter IV of the law entrusts the supervision of these organizations to the highest organ of the Jamahiriya, namely the secretariat of the General People's Congress, which can suspend decisions that are illegal or that violate an organization's articles of incorporation. Under this chapter an organization's actions or decisions may be annulled by the competent court and the State is granted the right to suspend its management and appoint a new administration.

The law also imposes criminal penalties for engaging in prohibited activities, the most important of which are:

1. Providing false information or withholding correct information.

2. Commencement of activities before announcing incorporation.

3. Undertaking any activity that goes beyond the purpose for which the organization was established.

4. Expending the organization's funds in a manner that does not serve the purpose for which the organization was established.

5. Collecting or obtaining donations in a manner contrary to the provisions of this law. Such donations are confiscated.

1.12 The Committee takes note of the information regarding early warning mechanisms and would welcome a full and updated list of arrangements and agreements on cooperation concluded since 2001, similar to those mentioned in the first report (p. 7).

Response

Information on arrangements and agreements was provided to the Committee in our first report (pp. 13-17 of the Arabic version). No changes have occurred with respect to those arrangements and agreements except that the Libyan Arab Jamahiriya signed the International Convention for the Suppression of Acts of Nuclear Terrorism on 16 September 2005.

1.13 In accordance with the principle of reciprocity, the Libyan Arab Jamahiriya has concluded bilateral administrative agreements with Egypt and Tunisia on measures for monitoring the movement of goods and individuals across their common borders (fourth report, p. 13). The Committee would like to receive a copy of these agreements or an outline of the relevant provisions thereof.

Response

Attached to this report are article 4 of the reciprocal administrative agreement with Egypt signed on 23 July 1997, and article 6 of a similar agreement with Tunisia signed on 27 November 1997.

1.14 The Committee takes note of the Libyan Arab Jamahiriya's efforts to enhance its cooperation with other States and would appreciate a description of the measures it has taken, or intends to take, in order to increase its cooperation with international organizations on counter-terrorism matters.

Response

The Libyan Arab Jamahiriya has consistently, and on numerous occasions, emphasized its continual desire and willingness to cooperate with international counter-terrorism organizations and committees. To that end, the Libyan Arab Jamahiriya has undertaken the following:

1. In an official letter dated 7 January 1992 addressed to the Secretary-General of the United Nations, the Libyan Arab Jamahiriya called on the General Assembly to convene a special session to consider the phenomenon of international terrorism, reach a clear and agreed-upon definition of what terrorism is, and ascertain its causes and how to deal with it.

2. The Jamahiriya has participated in all international forums and workshops on counter-terrorism, whether they have been organized by the United Nations, regional organizations or countries. The Libyan Arab Jamahiriya's delegates to those events stressed the Jamahiriya's position, which condemns terrorism in all it forms and manifestations and urges the necessity of defining the concept of terrorism, understanding its causes and reaching agreement on ways of addressing it.

3. The Jamahiriya has acceded to all international and regional counter-terrorism conventions and has concluded many bilateral conventions. The last international convention signed by the Jamahiriya was the International Convention for the Suppression of Acts of Nuclear Terrorism, in New York on 16 September 2005.

4. The Jamahiriya has harmonized its national legislation with the counter-terrorism requirements of the General Assembly and the Security Council. It has promulgated law No. 1, the Banking Act (2005), and law No. 2, the Money-Laundering Act (2005), and the new draft Penal Code will be submitted to the Basic People's Congresses for consideration and adoption. The Penal Code provides for the imposition of severe and deterrent penalties on the perpetrators of terrorist acts (these laws were previously sent to the Committee as annexes to the Jamahiriya's fourth report).

5. The Jamahiriya has openly and in all sincerity cooperated with the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and with the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and has provided both committees with the required reports and with responses to the questions on the reports. The Jamahiriya has also submitted the report required by the Security Council Committee established pursuant to resolution 1540 (2004) on the non-proliferation of weapons of mass destruction as well as a follow-on report with responses to the questions raised by the Committee.

6. The Libyan Arab Jamahiriya will continue to support the counter-terrorism efforts of international and regional organizations, and will endeavour to participate in all training events and programmes aimed at training jurists, security professionals, and social workers on how to pre-empt and respond to terrorist offences.

7. The Jamahiriya will strengthen the role of domestic organizations, raise awareness of the dangers and threats of terrorism, monitor Internet sites and, when

discovered, shut down sites that promote terrorism and violence and incite hatred towards others, their religion and their culture.

8 The Jamahiriya will encourage international efforts to promote dialogue and cultural rapprochement aimed at reaching an enlightened understanding by supporting efforts to deal with the root causes of terrorism and finding effective means of addressing them.

1.15 **The Committee notes that the Libyan Arab Jamahiriya has no legislation governing legal and administrative measures to assist requesting States in criminal investigations and judicial proceedings and would like to know what steps will be taken to ensure cooperation with other countries (e.g. laws on the modalities of inter-State cooperation, extradition, mutual legal assistance and transfer of criminal proceedings).**

Response

The Jamahiriya has concluded several bilateral conventions of a general nature on judicial cooperation that included provisions on the extradition of criminals and convicted persons. There are also bilateral conventions on the extradition of criminals and convicted persons (previously noted on page 17 of the Libyan Arab Jamahiriya's first report).

1.16 **The Committee notes that agreements concluded between the Libyan Arab Jamahiriya and other States contain a provision permitting extradition in the case of offences which are not of a political nature. What criteria are used in determining whether an offence is political? Are any of the offences established in the international counter-terrorism conventions and protocols considered political offences? If so, please provide the Committee with the relevant provisions. In that regard, the Committee attaches great importance to the entry into force of article 260, and other relevant articles, of the draft penal code.**

Response

There is no definition for acts that are considered political offences, however, the Code of Penal Procedure sets out rules in accordance with which an offence may be regarded as political. Article 2/493 bis of the Code states:

> "Any offence that affects the political interests of the State or the political right of a person, or any ordinary offence whose primary motive is political, will be considered a political offence."

Paragraph 1 (e) of that article provides, among other extradition requirements, that the offence must not be a political or other related offence. According to the decision of the Supreme Court, the trial court is the final arbiter of whether the offence for which extradition has been requested is a political offence. The ruling this court makes is binding throughout the State as the Supreme Court has ruled that the authority to specify the nature of the crime rests with the trial court. Consequently, the criminal court is responsible for deciding whether the offence is a political offence when it comes to extradition requests.

1.17 **The Committee takes note of the Libyan Arab Jamahiriya's information regarding its security systems for border control. What personal information is included in the relevant databases, what are the sources of this information, how often is it updated and how is it shared with other States or international organizations?**

Response

I. Personal information for wanted persons

Four-part name and surname; alias; passport number; nationality; mother's name; place and date of birth; personal identification card number and its place and date of issue; name of requesting authority; requesting authority's memorandum number; date of requesting authority's memorandum; date and place of last entry; date and place of last departure.

II. Sources of information

1. The General People's Committee for Foreign Liaison and International Cooperation.
2. The competent security directorates.
3. The judicial police attached to the Justice Secretariat.
4. The General Anti-Crime Directorate of the Public Security Bureau.
5. The Arab Bureau of Criminal Police and Interpol.
6. The General Anti-Crime Directorate.

III. Frequency of updating

Information is updated whenever a person is arrested or is added to or removed from the lists.

IV. How information is shared with other States and international organizations

1. Through the General Directorate for Consular Affairs.
2. Through the Arab Bureau of Criminal Police and Interpol.
3. Through the Liaison and Cooperation Directorate of the General People's Committee for Public Security (Ministry of Justice).

2. Implementation of resolution 1624 (2005)

Paragraph 1

2.1 What measures does the Libyan Arab Jamahiriya have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

2.2 What measures does the Libyan Arab Jamahiriya take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

Response

Further to its response to paragraph 3 of Security Council resolution 1373 (2001) on asylum, found on page 17 of the Libyan Arab Jamahiriya's first report, a draft law on asylum is still under consideration and is being prepared by the competent technical authorities.

2.3 How does the Libyan Arab Jamahiriya cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

Response

The Libyan Arab Jamahiriya has previously responded to this question on page 11 of the Arabic version of its first report and on pages 15 and 16 of its fourth report.

Paragraph 3

2.4 What international efforts is the Libyan Arab Jamahiriya participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

Response

The Libyan Arab Jamahiriya is anxious to support and encourage international efforts aimed at strengthening dialogue and increasing understanding between civilizations. The Jamahiriya has supported the calls made by certain United Nations Member States to hold meetings and symposiums in order to achieve this noble goal. It is worth noting that the Libyan Arab Jamahiriya has organized many events on dialogue between religions during the past two decades and has actively participated in similar events organized by other countries.

2.5 **What steps is the Libyan Arab Jamahiriya taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?**

Response

The Holy Koran is the law of society in the Libyan Arab Jamahiriya. The Koran's verses call for brotherhood and love between people, non-discrimination on the basis of gender, skin colour, religion or for any other reason, and urge dialogue, reasoned debate and spiritual counsel as well as collaboration in the quest for godliness and piety instead of sin and enmity. Belief in and respect and reverence for all prophets, messengers, and divine books is foremost among the requirements of a Muslim's belief and the consummation of his faith. On that basis, educational, cultural and religious establishments are run in accordance with these tolerant principles and are all subject to close and continuous tracking and monitoring by the competent authorities under the legislation in force. Thus, academic curricula and cultural programmes do not contain any incitements to acts of hatred, fanaticism or violence in any shape or form, and are monitored and supervised by the competent national committees. All mosques and Islamic places of worship in the Libyan Arab Jamahiriya are monitored and supervised by the Department of Awqaf (Religious Endowments) so that they cannot be infiltrated or diverted from their noble mission.

Paragraph 4

2.6 **What is the Libyan Arab Jamahiriya doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?**

Response

Article 14 of law No. 20 of 1991 on strengthening freedom stipulates that no person may be deprived of his freedom, or have his freedom restricted, nor may he be searched or questioned unless he has been accused of an act punishable by law or unless such action has been authorized by a competent judicial authority. Article 17 further stipulates that the accused is innocent until judged guilty in court and prohibits subjecting the accused to any type of physical or psychological torture or treating him in a manner that is cruel or degrading or that violates his human dignity. The second paragraph of Great Green Document on Human Rights published in 1988 states: "The citizens of the Jamahiriya venerate and protect human rights and forbid their curtailment. Punishment is only for those whose freedom is a danger or source of corruption to others. The purpose of punishment is societal reform and the protection of human values and the interests of society. The society of the Jamahiriya forbids punishments that violate human dignity or that do violence to the human individual such as hard labour or long prison sentences".

Since the Libyan Arab Jamahiriya believes in the principle that international conventions take precedence over national legislation, the competent authorities in the Jamahiriya, when taking measures to implement Security Council resolution 1624 (2005), fully take into consideration all of the country's obligations under

international humanitarian law, human rights charters and refugee law because the provisions of those instruments are fully consistent with Libyan legislation in force.

3. **Assistance and guidance**

3.1 **The Committee wishes to emphasize once more the importance that it attaches to the provision of assistance and advice in connection with the implementation of the resolutions. The Committee's Directory of Assistance (www.un.org/sc/ctc) is frequently updated to include new relevant information on available assistance. The Committee takes note of the fields of technical assistance requested by the Libyan Arab Jamahiriya in its third report (pp. 11-12), its additional request of 25 August 2003 and its fourth report (p. 14) and is pleased to inform the Libyan Arab Jamahiriya that its requested assistance has been brought to the attention of potential technical assistance providers through the Committee Matrix.**

3.2 **Furthermore, in light of the specific areas related to the Libyan Arab Jamahiriya's implementation of resolution 1373 (2001) outlined in Section 1 of this letter, and based on the Libyan Arab Jamahiriya's reports to the Committee and on the other relevant information available, the Committee, with assistance from the CTED experts, has conducted a preliminary analysis of the Libyan Arab Jamahiriya's technical assistance needs in order to identify priority areas in which the Committee believes the Libyan Arab Jamahiriya may benefit from receiving technical assistance. With the agreement of and in cooperation with the Government of the Libyan Arab Jamahiriya, the aim is to identify the best possible way for the Libyan Arab Jamahiriya to benefit from technical assistance in order to strengthen its implementation of the provisions of this resolution.**

Response

The Libyan Arab Jamahiriya takes note that the Committee has brought the requests for technical assistance included in its previous reports to the attention of potential technical assistance providers through the Committee Matrix and wishes to express its gratitude to the Committee for the attention it showed in conducting a preliminary analysis of its technical assistance needs. The Jamahiriya looks to the Committee to make further efforts to ensure that it obtains this assistance owing to its importance to the Jamahiriya's implementation of relevant international resolutions in the appropriate manner and to the Jamahiriya's fulfilment of its international obligations.

In conclusion, the Libyan Arab Jamahiriya would like to affirm its constant desire to contribute to any effort that seeks to eliminate terrorism and its root causes and also expresses its full readiness to continue cooperating in full transparency with all of the competent committees established pursuant to General Assembly and Security Council resolutions concerning counter-terrorism.